

David R. Boyajian, OSB #112582
Email: dboyajian@schwabe.com
SCHWABE, WILLIAMSON & WYATT, P.C.
1211 SW 5th Ave., Suite 1900
Portland, OR 97204
Telephone: 503.222.9981
Facsimile: 503.796.2900

Briton P. Sparkman, Admitted PHV
Email: bsparkman@chaloslaw.com
CHALOS & CO, P.C.
55 Hamilton Avenue
Oyster Bay, NY 11771

Attorneys for Plaintiff, Pacific Gulf Shipping Co.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

PACIFIC GULF SHIPPING CO.,

Plaintiff,

vs.

**ADAMASTOS SHIPPING & TRADING
S.A., VIGOROUS SHIPPING &
TRADING S.A., BLUE WALL
SHIPPING LTD., and PHOENIX
SHIPPING & TRADING S.A.**

Defendants.

No. 3:18-CV-02076-MO

Admiralty

**PLAINTIFF PACIFIC GULF SHIPPING
CO.'S REPLY IN SUPPORT OF
EMERGENCY MOTION FOR
CONTINUANCE OF DEPOSITIONS**

COMES NOW, Plaintiff, PACIFIC GULF SHIPPING CO. (hereinafter "PGS" or "Plaintiff"), by its undersigned counsel, and submits this Emergent Reply in Support of its Emergency Motion for Continuance of the Depositions. Opposing counsel's submission (DE 49,

50), should not be well received by the Court. The arguments presented therein further underscore Defendants' disingenuous, yet purposeful, strategy to inequitably quick pitch this complex case to this Court. Of course, if Defendants had any genuine concerns for its contractual partners and/or the starving people of Yemen, Defendants would have (and still can) post substitute security pursuant to Supplemental Rule E(5)(a) and allow the case to proceed in a timely manner. Defendants have refused to post substitute security, because, simply put, there is no defense to the substantive allegations and the posting of security would mean that Defendants will be held responsible for the huge debts they have purposefully and inequitably avoided to date.

Defendants' representation as to the completeness of the production to date are not true. Defendants have refused to produce any documents related to Adamastos Shipping & Trading SA (other than approximately 60 pages of records, none of which show the corporate structure, articles of incorporation, bylaws, stockholder ledger and/or shareholder agreements for the Company). In addition, several categories of critical documents and correspondence have been requested, but no materials have been produced. Specifically, Plaintiff has requested and Defendants have refused to respond to the following requests:

Request 13 - For the period of July 1, 2014 through June 30, 2015, any and all correspondence and communications by and between the crew onboard the M/V ADAMASTOS and Defendants.

Request 14 - For the period of July 1, 2014 through June 30, 2015, any and all correspondence and communications by and between Defendants Phoenix, Adamastos Shipping, and/or Blue Wall relating to or concerning the M/V ADAMASTOS, as well as all correspondence and communications to and from Defendants provided to Mr. George Gourdomichalis, Mr. Efstahios Gourdomichalis, and/or any other individual concerning the M/V ADAMASTOS during that time period.

Request 15 - Copies of any and all emails or other correspondence by Defendants relating to the purchase, charter, or operation of any vessel since January 1, 2014, including, but not limited to the M/V ADAMASTOS and M/V VIGOROUS.

Again, the purposeful refusal to produce these critical documents is not based on any *bona fide* legal basis. Defendants are hiding the ball.

Finally, while opposing counsel's comments concerning Chalos & Co, P.C. are flattering, they are incorrect. I am lead counsel in this matter and, contrary to the assertion, have only been involved in this case for a short period of time. Regardless, our client's knowledge and beliefs concerning Defendants dilatory practices are separate and distinct from their right and entitlement to discover facts and information exclusively within the possession of the Defendants and otherwise known only to them. Defendants argument that undersigned counsel must read, review, and digest nearly 6,000 pages of documents; travel 5,000 miles; and competently conduct complex depositions in three (3) – four (4) days if successful, will only serve to prolong these proceedings. Your Honor has provided Plaintiff with the opportunity to seek supplemental discovery on or before December 27, 2018. Plaintiff submits that it is more efficient to resolve the documentary discovery issues first and then proceed to depositions reasonably thereafter.

CONCLUSION

WHEREFORE, Plaintiff requests that the deadline to complete depositions be extended to January 4, 2019 and such further and just relief as the Court sees fit and just under the facts and circumstances of this matter, including but not limited to, an Order compelling Defendant to post substitute security for the claim.

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Dated this 18th day of December 2018.

Respectfully submitted,

CHALOS & CO, P.C.

BY: S/BRITON P. SPARKMAN
Briton P. Sparkman
Admitted Pro Hac Vice
Email: bsparkman@chaloslaw.com
Telephone: 516.714.4300
Facsimile: 516.750.9051

and

SCHWABE, WILLIAMSON & WYATT, P.C.

BY: S/DAVID R. BOYAJIAN
DAVID R. BOYAJIAN, OSB #112582
dboyajian@schwabe.com
Kent Roberts, OSB #801010
Email: ckroberts@schwabe.com
Telephone: 503.222.9981
Facsimile: 503.796.2900